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APR 10 2008
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY



07-CV-00943-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANNY H. BRANDT,

Plaintiff,

v.

JOSEPH LEHMAN, *et al.*,

Defendants.

CASE NO. C07-943-JLR-JPD

ORDER DISMISSING § 1983 ACTION

The Court, having reviewed defendant's motion to dismiss, plaintiff's response, defendant's reply, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant's motion to dismiss (Dkt. No. 10) is GRANTED. The complaint and this action are DISMISSED without prejudice. This dismissal shall count as a strike under 28 U.S.C. § 1915(g).
- (3) Plaintiff's motion to amend the complaint (Dkt. No. 11) is DENIED.
- (4) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for defendant, and to Judge Donohue.

DATED this 10th day of April, 2008.


JAMES L. ROBART
United States District Judge

ORDER DISMISSING § 1983 ACTION